



California Fair Political Practices Commission

July 11, 1988

Henry S. Barbosa
Barbosa and Vera
Attorneys at Law
Los Angeles Corporate Center
1000 Corporate Center Drive, Suite 350
Monterey Park, CA 91754

Re: Your Request for Advice
Our File No. A-88-241

Dear Mr. Barbosa:

This is in response to your request for advice regarding application of the new restrictions on publicly-funded mass mailings under Proposition 73.

Based on our telephone conversation and your summary of the points we discussed regarding the limitations now in effect, I am confident that you have a good understanding of the current application of the law. As applies to Montebello Today, you are correct in stating that this periodical would comply with the new law when the message is under the signature of a non-elected city official. You may continue to display, depict, reference, specifically name and include photographs of non-elected city officials in the periodical.

In reviewing the copy of Montebello Today which you forwarded, I have found two articles which include specific reference to Mayor Arnold Glasman (see page 6 of the periodical). In addition to the deletion of the photographs you noted, we would advise that the two references to Mayor Glasman, and any other references to elected officials be deleted from the newsletter.

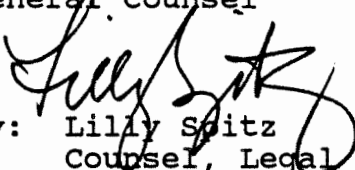
I am enclosing a copy of our July 1, 1988 follow-up letter regarding interpretation of the mass mailing restrictions. In

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the future, we expect to address additional questions concerning the mass mailing restrictions in Proposition 73, and we have included your name on our mailing list for information on the subject.

Sincerely,

Diane M. Griffiths
General Counsel


By: Lilly Spitz
Counsel, Legal Division

DMG:LS:plh

Enclosure

BARBOSA & VERA

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June 23, 1988

Robert E. Leidigh
Counsel, Legal Division
California Fair Political
Practices Commission
428 "J" Street, Suite 800
P.O. Box 807
Sacramento, California 95804

Re: Your File No.: A-88-220
Prop. 73

Dear Mr. Leidigh:

This will evidence my telephone conversation with Ms. Lilly Spitz of the Legal Division relative to questions I have raised on behalf of my client, the City of Montebello.

In accord with that conversation, I have enclosed a copy of a periodical produced by Montebello Tomorrow, Inc., a nonprofit corporation organized by the City of Montebello, entitled Montebello Today. I have redlined those elements of the Montebello Today periodical which we understand would be objectionable and prohibited under your guidelines.

Let me summarize my understanding of some points discussed with Ms. Spitz.

The Montebello Today periodical, and any other informational mailings by the City would comply with both the ballot measure and the FPPC's regulations when the message is under signature or authorized by a non-elected official, such as the City Administrator or some similar officer. In this regard, we would continue to display, depict and photograph non-elected City officials in the Montebello Today.

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Let me close by extending my appreciation to Ms. Spitz for her gracious and courteous assistance in this matter. If my understanding is incorrect in any respect, please advise at your earliest convenience.

Very truly yours,



Henry S. Barbosa

HSB:ng 567

Enclosure

cc: City Administrator,
City of Montebello



California Fair Political Practices Commission

June 27, 1988

Henry S. Barbosa
Barbosa & Vera
Los Angeles Corporate Center
1000 Corporate Center Drive, Suite 350
Monterey Park, CA 91754

Re: 88-241

Dear Mr. Barbosa:

Your letter requesting advice under the Political Reform Act was received on June 27, 1988 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Lilly Spitz, an attorney in the Legal Division, directly at (916) 322-5901.

- We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

A handwritten signature in cursive script, reading "Diane M. Griffiths", is written over the typed name.

Diane M. Griffiths
General Counsel

DMG:plh